

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$35,321.00 U.S. CURRENCY,

Defendant.

NO: 13-CV-0378-TOR

FINAL ORDER OF FORFEITURE

Plaintiff, United States of America, alleged in a Verified Complaint for

Forfeiture *In Rem* that the Defendant currency is subject to forfeiture to the United

States pursuant to 21 U.S.C. § 881. ECF No. 1.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant property being forfeited is described as follows:

\$35,321.00 U.S. Currency, seized by DEA from James W. Cook, Brian S. Felton, and Dale Walter Johnson, on or about June 25, 2013, at Milepost 270 on Interstate 90, at or near Spokane, Washington.

1 1. On or about November 12, 2013, the United States Marshals Service
2 executed the Warrant of Arrest *In Rem*. The returned warrant was filed with the
3 Court under the above cause number on November 13, 2013. ECF No. 5.
4

5 2. Notice of Civil Forfeiture Action was posted on the official
6 government website beginning November 2, through December 1, 2013, as
7 required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
8 Maritime Claims and Asset Forfeiture Actions, as evidenced by the Notice of
9 Publication filed herein on January 23, 2014. ECF Nos. 20, 20-1 and 20-2. At the
10 latest, the claim period expired on January 1, 2014.

11 3. On or about November 15, 2013, James W. Cook was served at his
12 last known address, via certified mail, return receipt requested, with a copy of the
13 Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the
14 Notice of Complaint for Forfeiture. ECF Nos. 7 and 7-1; 10 and 10-1. Based upon
15 the direct notice service date, James W. Cook's deadline to file a timely claim was
16 December 20, 2013. To date, no claim of interest has been received or filed with
17 the Court from James W. Cook. On or about January 9, 2014, the United States
18 served and filed its Notice of Motion for Default. ECF No. 16. On or about
19 January 28, 2014, the United States filed its Motion for Default. ECF Nos. 21, 21-
20 1, and 21-2; and 25. On January 29, 2014, the Clerk entered a default order as to
James W. Cook. ECF No. 29.

1 4. On or about November 15, 2013, Darren D. Dunk was served at his
2 last known address, via certified mail, return receipt requested, with a copy of the
3 Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the
4 Notice of Complaint for Forfeiture. ECF Nos. 6 and 6-1; and 11 and 11-1. Based
5 upon the direct notice service date, Darren D. Dunk's deadline to file a timely
6 claim was December 20, 2013. To date, no claim of interest has been received or
7 filed with the Court from Darren D. Dunk. On or about January 9, 2014, the United
8 States served and filed its Notice of Motion for Default. ECF No. 14. On or about
9 January 28, 2014, the United States filed its Motion for Default. ECF Nos. 22,
10 22-1, and 22-2; and 28. On January 29, 2014, the Clerk entered a default order as to
11 Darren D. Dunk. ECF No. 30.

12 5. On or about November 15, 2013, Brian S. Felton was served at his last
13 known address, via certified mail, return receipt requested, with a copy of the
14 Verified Complaint for Forfeiture *In Rem*, the Warrant of Arrest *In Rem*, and the
15 Notice of Complaint for Forfeiture. ECF Nos. 9 and 9-1; and 12 and 12-1. Based
16 upon the direct notice service date, Brian S. Felton's deadline to file a timely claim
17 was December 20, 2013. To date, no claim of interest has been received or filed
18 with the Court from Brian S. Felton. On or about January 9, 2014, the United
19 States served and filed its Notice of Motion for Default. ECF No. 15. On or about
20 January 28, 2014, the United States filed its Motion for Default. ECF Nos. 23, 23-

1 1, and 23-2; and 26. On January 29, 2014, the Clerk entered a default order as to
2 Brian S. Felton. ECF No. 32.

3 6. On or about November 15, 2013, Dale Walter Johnson was served at
4 his last known address, and in care of Attorney Christian Phelps, via certified mail,
5 return receipt requested, with a copy of the Verified Complaint for Forfeiture *In*
6 *Rem*, the Warrant of Arrest *In Rem*, and the Notice of Complaint for Forfeiture.
7 ECF Nos. 8 and 8-1; 13 and 13-1; and 19. Based upon the direct notice service
8 date, Dale Walter Johnson's deadline to file a timely claim was December 20,
9 2013. To date, no claim of interest has been received or filed with the Court from
10 Dale Walter Johnson. On or about January 9, 2014, the United States served and
11 filed its Notice of Motion for Default. ECF Nos. 17 and 18. On or about January
12 28, 2014, the United States filed its Motion for Default. ECF Nos. 24, 24-1, and
13 24-2; and 27. On January 29, 2014, the Clerk entered a default order as to Dale
14 Walter Johnson. ECF No. 31.

15 It appearing to the Court that any and all potential claimant's interest in the
16 defendant property has been resolved through the entry of the Clerk's Orders of
17 Default as to James W. Cook, Darren D. Dunk, Brian S. Felton, and Dale Walter
18 Johnson;

19 It also appearing to the Court that no other timely claims have been made to
20 the defendant property;

1 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that
2 the defendant property is hereby forfeited to the United States of America, and no
3 right, title, or interest shall exist in any other person.

4 **IT IS FURTHER ORDERED** that the United States shall dispose of the
5 forfeited defendant property in accordance with law.

6 The District Court Executive is hereby directed to enter this Order, enter
7 Judgment accordingly, provide copies to counsel, and CLOSE the file.

8 **DATED** March 10, 2014.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge